

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FRANCIS CAITO,

Plaintiff,

COURT FILE NO.: 6:12-cv-06279-CJS

v.

FMA ALLIANCE, LTD,

Defendant.

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Defendant FMA ALLIANCE, LTD (“Defendant”), pursuant to Federal Rule of Civil Procedure 56, moves this honorable Court for Summary Judgment in its favor. In support of this Motion, Defendant submits herewith its Memorandum of Law, Statement of Facts, and Affidavit of Wayne Denning (with exhibits).

WHEREFORE, Defendant prays for an order and judgment of this Court in its favor against Plaintiff as follows:

1. Dismissing all causes of action against Defendant with prejudice;
2. Entering judgment in Defendant’s favor;
3. Taxing all costs to Plaintiff; and,
4. Awarding Defendant such other and further relief as the Court deems just and equitable.

s/ David G. Peltan
David G. Peltan, Esq.
Attorney for Defendant FMA ALLIANCE, LTD
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CERTIFICATE OF SERVICE

I hereby certify that on August 30, 2013, I electronically filed the foregoing with the Clerk of the District Court using its CM/ECF system, which would then electronically notify the following CM/ECF participants on this case:

Plaintiff, FRANCIS CAITO via Plaintiff's counsel of record –

Craig Kimmel, Esq.

And, I hereby certify that, to the best of my knowledge and information, there are no other participants on this case requiring service by any means.

s/ David G. Peltan
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